

EXHIBIT FORM

DEFENDANTS' OBJECTIONS TO PLAINTIFF'S PROPOSED EXHIBIT LIST (Dkt. 53)			<u>ESTATE OF THOMAS SMITH</u>	
			V. Case No. <u>19-CV-972</u>	
			<u>ONEIDA COUNTY, ET AL.</u>	
Date	Identification		Description	Offers, Objections, Rulings, Exceptions
	No.	Witness		
			2017 02 15 Power of Attorney for Healthcare	Defendants object to the use of this exhibit pursuant to Fed. R. Civ. P. 37(c)(1). This document was never previously produced in this matter and, as such, Plaintiff cannot rely upon the document at trial.
			Barbour Report DEF000036-38	
			Grant Report DEF000039-41	
			Loduha Report DEF000047-48	
			Simkins Report DEF000049	Defendants object to the use of this exhibit at trial pursuant to Fed. R. Evid. 901. Simkins has not been identified to testify at trial in this matter. [See Dkt. 52.] As such, the report cannot be authenticated at trial. Further, the document is hearsay and inadmissible pursuant to Fed. R. Evid. 802.

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			Moermond Report DEF000042-43	Defendants object to the use of this exhibit at trial pursuant to Fed. R. Evid. 901. Moermond has not been identified to testify at trial in this matter. [See Dkt. 52.] As such, the report cannot be authenticated at trial. Further, the document is hearsay and inadmissible pursuant to Fed. R. Evid. 802.
			Brooks Report DEF000045-46	
			Fogarty Report DEF000044	Defendants object to the use of this exhibit at trial pursuant to Fed. R. Evid. 901. Fogarty has not been identified to testify at trial in this matter. [See Dkt. 52.] As such, the report cannot be authenticated at trial. Further, the document is hearsay and inadmissible pursuant to Fed. R. Evid. 802.
			Gary Loduha Deposition Transcript	
			Stetson Grant Deposition Transcript	
			Jack Lilek Deposition Transcript	
			Terri Hook Deposition Transcript	
			Captain Terri Hook's Press Release	

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	No.	Witness		
			DAAT Manual	Defendants object to the use of this exhibit pursuant to Fed. R. Civ. P. 37(c)(1). The document was never identified by either party in a Rule 26(a)(1) report or produced by Plaintiff in discovery. [See Dkt. 41 ¶ 3.] Further, the document is hearsay and inadmissible pursuant to Fed. R. Evid. 802. Finally, Plaintiff has not identified any witness to authenticate the document and, as such, the document must be excluded pursuant to Fed. R. Evid. 901.
			Detail Call for Service Report DEF000004-30	
			Photo – Jacqueline Falk’s View of Scene	Assuming this is Dkt. 30-2, no objection.
			Oneida County Sheriff’s Dept. Photographs of Smith in Hospital	Defendant reserves the right to object to the evidence after Plaintiff further identifies which documents Plaintiff is referring to.
			Photographs Taken in Hospital April 8, 2017	Assuming this is Dkt. 31-1, no objection.
			Photo of Bearcat	Assuming this is Dkt. 30-1, no objection.
			Transcript of Audio Recording of 911 Call	So long as audio recording transcript is certified, no objection.

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			Google Maps Aerial Photograph: Intersection of Davenport Street and Sanns Street	So long as this is the photograph used by the Court in the May 28, 2021 Opinion and Order (Dkt. 45, p. 7), no objection.
			Enlargement of First Page of Exhibit 17	Defendant reserves the right to object to the evidence after Plaintiff further identifies which documents Plaintiff is referring to.